

RULE
OFFICE OF THE GOVERNOR
OFFICE OF FINANCIAL INSTITUTIONS

Residential Mortgage Lending Act, Expired License Reinstatement Procedure (LAC 10:XII:301)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and with R.S. 6:121, R.S. 6:1081 et seq., of the Residential Mortgage Lending Act (hereinafter referred to as “RMLA”), the Office of Financial Institutions hereby gives Notice of Intent to adopt LAC 10:XII:301, a rule to establish the procedure for the reinstatement of a RMLA license after automatic expiration, provide for the information an applicant must submit in connection with a reinstatement request, provide for the time period in which a reinstatement request may be filed with the Office of Financial Institutions, provide for items that may be considered in connection with the assessment of a reinstatement penalty, up to the statutory maximum amount, and require the disclosure of residential mortgage loan activity occurring after automatic expiration and prior to a reinstatement request or a new license application following automatic expiration. This rule has been promulgated to effectuate the purpose, administration, and enforcement of the RMLA, R.S. 6:1081, et seq.

TITLE 10
RESIDENTIAL MORTGAGE LENDING ACT
Expired License Reinstatement Procedures
(LAC 10:XII:301)

Chapter 3: Residential Mortgage Lending Licenses

§301. Expired License Reinstatement Procedure

- A. Any license deemed to have expired automatically on January 1st, pursuant to R.S. 6:1088(F)(4), shall not be eligible for reinstatement of said license, unless the

request is received by the Office of Financial Institutions postmarked on or before January 15th, of that year, and contains:

1. a written reinstatement request filed by the person named in the expired license, which contains such information as may be required by rule, or as the Commissioner of the Office of Financial Institutions (hereinafter referred to as “Commissioner”), may direct;
2. evidence showing good cause for approval of a reinstatement request; and
3. payment of a reinstatement penalty in an amount not to exceed \$1,000.00, as determined by the Commissioner, in his discretion, and in accordance with this rule.

- B. Any license deemed to have expired automatically on January 1st, pursuant to R.S. 6:1088(F)(4), and as to which the requirements of Subsection A of this Section have not been met on or before January 15th, of that year, shall remain expired, and shall not thereafter be eligible for reinstatement, however, an application for a new license may be filed, provided all the requirements for the filing of an application for a new license and of this Rule are met, and all required fees and penalties have been paid in full at the time of filing the application for a new license.
- C. In addition to the information required to be included in a reinstatement request pursuant to Subsection A, or with a new license application pursuant to Subsection B of this Section, any such application shall indicate whether the applicant engaged in any residential mortgage loan activity during the time period from the date of expiration of the license for which reinstatement or a new license is sought, until the date the reinstatement request or the new license application is filed with the

Office of Financial Institutions, including, but not limited to, a listing of each residential mortgage loan application received, and/or each residential mortgage transaction completed.

D. In determining the amount of the reinstatement penalty required by Subsection A of this Section, the Commissioner shall consider, among other things:

1. the cause or causes of the failure to timely file a renewal application, and
2. whether the applicant continued to engage in residential mortgage lending activities subsequent to the automatic expiration pursuant to R.S.

6:1088(F)(4).

E. Knowingly providing false, incomplete, misleading or incorrect information in connection with a request for reinstatement, or in connection with an application for a new license following automatic expiration, shall be a cause for denial of such request or application, and may be grounds for suspension or revocation of any reinstated license or new license granted as provided for herein, if the Commissioner would have denied the license had such defect in the information been known at the time said reinstatement request or application for a new license was granted.

F. Terms used herein and defined in the RMLA, R.S. 6:1081, et seq., shall have the same meaning as the terms defined in the RMLA, unless otherwise specifically provided to the contrary herein.

G. The Commissioner may waive or suspend application all or any part of this rule if he determines that a declared state of emergency, or the conditions relating thereto, will substantially affect compliance with this rule.

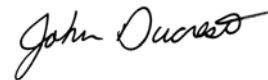
AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121 and R.S. 6:1085.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 31: _____ (August 2005).

Pursuant to R.S. 49:972, and prior to the adoption of the proposed rule LAC 10:XII:301, Expired License Reinstatement Procedure, the Office of Financial Institutions considered the impact of the proposed rule, and found the proposed rule, if adopted, would have no effect on the stability or the functioning of the family, the authority and rights of parents regarding the education and supervision of their children, family earnings and family budget, the behavior and personal responsibility of children, or the ability of the family or a local government to perform the function as contained in the proposed rule.

November 20, 2005

Date



John Ducrest, Commissioner
Office of Financial Institutions